

**CITY OF SHEBOYGAN
GENERAL ORDINANCE X-23-24**

BY ALDERPERSONS SALAZAR, PERRELLA, AND ACKLEY.

JULY 17, 2023.

AN ORDINANCE amending Chapter 14 of the City of Sheboygan Municipal Code so as to create Article 14-IX relating to Mobile Entertainment Providers.

THE COMMON COUNCIL OF THE CITY OF SHEBOYGAN DO ORDAIN AS FOLLOWS:

SECTION 1: **AMENDMENT** Article 14-IX of the Sheboygan Municipal Code entitled “Mobile Entertainment Providers” is hereby *created* to read as follows:

A M E N D M E N T

ARTICLE 14-IX MOBILE ENTERTAINMENT PROVIDERS

Sec 14-370 Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Mobile entertainment vehicle means a motor vehicle, as defined in Wis. Stat. § 340.01(35), or a trailer, as defined in Wis. Stat. § 340.01(71), which is equipped so as to provide commercial diversions and entertainment activities. Commercial diversions and entertainment activities include, without limitation, axe-throwing, video and virtual reality gaming, karaoke, and games of chance and skill.

Mobile entertainment provider means any owner or operator of a mobile entertainment vehicle; hereinafter in this Article referred to as “provider.”

Sec 14-371 Restrictions

- (a) It shall be unlawful for any person to use or permit the use of a mobile entertainment vehicle for any commercial diversion or entertainment activity by any person, whether for free or for a charge, within a public right of way or on public property in the City of Sheboygan without first having obtained a valid mobile entertainment license as prescribed in this Article.
- (b) All providers shall abide by all parking and traffic laws, ordinances, statutes, rules, and regulations at all times, except that a mobile entertainment vehicle that is of such a length that it occupies all or a portion of two marked parking spaces may park in said spaces so long as it abides by all other parking restrictions, including depositing required coins in both parking meters, when applicable.

- (c) The mobile entertainment vehicle shall be operable at all times. If the vehicle is a trailer, it shall be hooked up to a vehicle capable of towing at all times.
- (d) A person with a valid driver's license of such a classification to allow the operation of the mobile entertainment vehicle shall be with the vehicle at all times that any activity is taking place in the mobile entertainment vehicle. The provider is liable for any violation of this subsection.
- (e) No person shall park, stop, or operate a mobile entertainment vehicle, nor shall any provider permit any person to park, stop or operate a mobile entertainment vehicle in a location within five hundred feet (500') of the boundary line of any property upon which a fair, farmer's market, festival, carnival, circus, special event, or civic event licensed or sanctioned by the city is occurring, except when the provider has obtained a permit or otherwise properly obtained permission to do so.
- (f) All signage must be permanently affixed to the mobile entertainment vehicle. No accessory signage shall be placed outside or around the mobile entertainment vehicle.
- (g) No person shall serve, sell, or distribute food or drink from a mobile entertainment vehicle.
- (h) All activity connected with a mobile entertainment vehicle shall be contained within the vehicle, with the following restrictions and exceptions:
 - (1) A provider may accept payment for the activity associated with the mobile entertainment vehicle immediately adjacent to the vehicle in the area between the street and the sidewalk.
 - (2) The provider shall be responsible for ensuring that the adjacent sidewalk is kept clear for the use of the public, including maintaining a 5-foot wide aisle as required by the Americans with Disabilities Act.
- (i) No music or amplified sound that can be heard outside of the mobile entertainment vehicle is permitted. The provider is liable for any violation of this subsection.
- (j) Each and every mobile entertainment provider shall at all times keep a "measuring wheel" with a measuring capacity of no less than 500 feet with the mobile entertainment vehicle. The measuring wheel shall be available for use by any person operating or working with the mobile entertainment vehicle and by any police officer or other municipal official tasked with enforcing the provisions of this Article.
- (k) Nothing in this Article shall be deemed to supersede or repeal any ordinance relating to noise, park closing hours, or parking, except as specifically provided in the Article. Providers shall take every precaution to ensure that their operation does not materially affect the peace and welfare of the general public nor cause any unreasonably loud, disturbing, and unnecessary noise or any noise of such character, intensity, or duration as to be detrimental to the life or health of any individual or which is in the disturbance of public peace and welfare.

Sec 14-372 License Required; Application; Regulation

- (a) Any person desiring to operate a mobile entertainment vehicle shall make written application for a mobile entertainment license to the city clerk's office. The application for such license shall be on forms provided by the city clerk's office and shall include the following:
 - (1) The name, signature, and address of each applicant and of each member or officer of a corporate applicant.
 - (2) A description, including make, model, VIN number, and license plate, of the mobile entertainment vehicle.
 - (3) A clear description of the activities to be associated with the mobile entertainment vehicle.
 - (4) A valid copy of all necessary licenses, permits, or certificates required by the County of Sheboygan, the State of Wisconsin, or any subsidiary enforcement agencies or departments thereof, including but not limited to valid proof of registration for the vehicle and driver's licenses for all operators and employees.
 - (5) A signed statement that the mobile entertainment provider shall hold harmless the City and its officers and employees, and shall indemnify and hold harmless the City and its officers and employees for any claims for damage to property or injury to persons which may be occasioned by any activity carried on under the terms of the license. The mobile entertainment provider shall furnish and maintain such liability insurance as will protect vendor and the City from all claims for damage to property or bodily injury, including death, which may arise from the operations under the license or in connection therewith. Such insurance shall provide coverage of not less than one million dollars (\$1,000,000) per occurrence. The policy shall further provide that it may not be cancelled except upon thirty (30) days written notice served upon the city clerk. A license issued pursuant to the provisions of this section shall be invalid at any time the insurance required herein is not maintained and evidence of continuing coverage is not filed with the city clerk.
 - (6) Any additional information deemed necessary by the city clerk to determine if issuance of a mobile entertainment vehicle license to a particular applicant would be in the best interest of the public.
- (b) Upon receipt of an application for a mobile entertainment vehicle license, the clerk may conduct a background check and may refer it as soon as practicable to the chief of police who may make and complete an investigation of the statements made in such registration. Any such investigation should be completed within ten days of the referral. The clerk should refuse to register the applicant if it is determined that:
 - (1) The application contains any material omission or materially inaccurate statement;

- (2) The applicant was convicted of a crime, statutory violation, or ordinance violation within the last five years, the nature of which is directly related to the applicant's fitness to engage in direct selling or the licensed activity; or
- (3) The applicant failed to comply with any requirement of subsection (a).
- (c) Each mobile entertainment vehicle license shall expire on April 1st of each year.
- (d) A mobile entertainment vehicle license is not transferrable from person to person.
- (e) A mobile entertainment vehicle license is valid for one vehicle only.
- (f) The mobile entertainment vehicle license shall be permanently and prominently affixed to the mobile entertainment vehicle.
- (g) All mobile entertainment providers licensed under this section shall pay an annual license fee of five hundred dollars (\$500.00).

Sec 14-373 Suspension And Revocation

- (a) A mobile entertainment vehicle license may be suspended or revoked by the licensing, hearings, and public safety committee of the common council after notice and hearing, if the license holder made any material omission or materially inaccurate statements in the license application, or if the license holder violates any provision of this article, if there are noise complaints related to the mobile entertainment vehicle or the operation thereof, or if the license holder is convicted of any crime or ordinance or statutory violation directly related to direct sales or the licensed activity. Written notice of the hearing shall be served personally (or if personal service cannot be made, via certified mail) upon the registrant at least 72 hours prior to the time set for the hearing. Such notice shall contain the time and place of hearing and a statement of the acts upon which the hearing will be based.
- (b) Any person denied a mobile entertainment vehicle license may appeal the denial to the common council by filing a written statement therewith within 14 days after the date registration was denied, setting forth the grounds for appeal. The common council shall notify the applicant, at least 48 hours prior to the hearing date, of the time and place set for the hearing, such notice to be sent to the address given by the appellant in his statement of appeal or served personally on the appellant.

Sec 14-374 Penalties

Any violation of the provisions of this ordinance shall subject the violator to a forfeiture of not less than \$100 nor more than \$1,000, together with the cost of the action. In default of payment thereof, the violator may be imprisoned in an appropriate county facility as allowed by law.

SECTION 2: REPEALER CLAUSE All ordinances or resolutions or parts thereof in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

SECTION 3: **EFFECTIVE DATE** This Ordinance shall be in effect from and after its passage and publication according to law.

PASSED AND ADOPTED BY THE CITY OF SHEBOYGAN COMMON COUNCIL

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Presiding Officer

Attest

Ryan Sorenson, Mayor, City of
Sheboygan

Meredith DeBruin, City Clerk, City of
Sheboygan